



**PATENTS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** John G. Babish, *et al.*

**Serial No.:** 10/774,048

**Filing Date:** February 5, 2004

**Docket Number:** 068911.0062

**Title:** ANTI-INFLAMMATORY PHARMACEUTICAL COMPOSITIONS  
FOR REDUCING INFLAMMATION AND THE TREATMENT  
OR PREVENTION OF GASTRIC TOXICITY

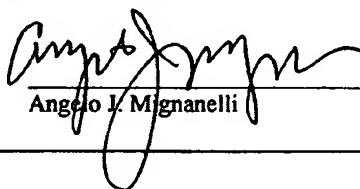
**Examiner:** Michael V. Meller

**Group Art Unit:** 1655

**CERTIFICATE OF MAILING (37 C.F.R. § 1.8)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Date: February 14, 2006

  
Angelo J. Mignanelli

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT**

Applicants and their attorney are aware of the following publications and information, listed on the attached PTO 1449 forms, and in accordance with 37 C.F.R. § 1.97 hereby submit these publications for the Examiner's consideration. This Statement is being filed after the receipt of the first Office Action.

A full copy of each cited publication is enclosed.

Pursuant to 37 C.F.R. § 1.98(d), copies of the cited references, "Information on Zyflamend and Zyflamend PM", downloaded from the Internet 8/30/02 Cite No. E18, and "Information on

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ArthroTrim™ product", downloaded from Internet 8/30/02, Cite No. E19, are not being submitted since they were cited in the parent application, U.S.S.N. 09/885,721, filed on June 20, 2001.

Also not enclosed is a copy of the cited reference, Thomas M. Newmark and Paul Schulick, BEYOND ASPIRIN, Nature's Answer to Arthritis, Cancer & Alzheimer's Disease," HOHM PRESS (2000), Cite No. D22, which is a book.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, the Applicants understand that the Examiner will make an independent evaluation of the cited publications.

The commissioner is hereby authorized to charge \$180.00 pursuant to 37 C.F.R. § 1.17(p) for the submission of an Information Disclosure Statement, and any additional fees that may be required, or credit any overpayment, to our Deposit Account No. 50-1133.

Respectfully submitted,

McDermott Will & Emery LLP



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**John G. Babish, *et al.***  
**U.S.S.N. 10/774,048**  
**Information Disclosure Statement**  
**February 14, 2006**  
**Page 3 of 3**

**Date: February 14, 2006**

**MIA 289477-2.068911.0062**



INFORMATION DISCLOSURE CITATION IN AN APPLICATION  (PTO-1449)				ATTY. DOCKET NO. 068911.0062		SERIAL NO. 10/774,048	
				APPLICANT John G. Babish, et al.			
				FILING DATE February 5, 2004		GROUP 1654	
U.S. PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
	A1	US 3,552,975	01/05/1971	Worden			
	A2	US 3,720,517	03/13/1973	Bavisotto, et al.			
	A3	US 3,932,603	06/13/1978	Haas			
	A4	US 3,933,919	01/20/1978	Wilkinson			
	A5	US 3,965,188	08/22/1978	Westermann, et al.			
	A6	US 4,123,561	10/31/1978	Grant			
	A7	US 4,154,865	05/15/1979	Grant			
	A8	US 4,133,903	01/09/1979	Thiele, et al.			
	A9	US 4,401,684	08/30/1983	Versluys			
	A10	US 4,554,170	11/19/1985	Panzer, et al.			
	A11	US 4,644,084	02/17/1987	Cowles, et al.			
	A12	US 4,692,280	09/08/1987	Spinelli			
	A13	US 4,767,640	08/30/1998	Goldstein, et al.			
	A14	US 5,006,337	04/09/1991	Motitschke, et al.			
FOREIGN PATENT DOCUMENTS							
EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Code <sup>1</sup> -Number <sup>1</sup> -Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation	
						Yes	No
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

MIA 294647-1.068911.0062

<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>  (PTO-1449)				ATTY. DOCKET NO. <b>068911.0062</b>		SERIAL NO. <b>10774,048</b>	
				APPLICANT <b>John G. Babish, et al.</b>			
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	B1	US 4,644,084	02/17/1987	Cowles, et al.			
	B2	US 4,692,280	09/08/1987	Spinelli			
	B3	US 4,767,640	08/30/1998	Goldstein, et al.			
	B4	US 5,006,337	04/09/1991	Molitschke, et al.			
	B5	US 5,013,571	05/07/1991	Hay			
	B6	US 5,073,396	12/17/1991	Todd, Jr.			
	B7	US 5,082,975	01/21/1992	Todd, Jr., et al.			
	B8	US 5,155,276	10/13/1992	Paul			
	B9	US 5,166,449	11/24/1992	Todd, Jr. et al.			
	B10	US 5,624,236	11/23/1993	Ogasahara, et al.			
	B11	US 5,286,506	02/15/1994	Millis, et al.			
	B12	US 5,296,637	02/01/2000	Ting, et al.			
	B13	US 5,387,425	02/07/1995	Hsu, et al.			
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				<b>APPLICANT</b> <b>Matthew L. Tripp, et al.</b>				
				<b>FILING DATE</b> <b>February 5, 2004</b>		<b>GROUP</b> <b>1654</b>		
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	C1	US	5,604,263	02/18/1987	Tobe, et al.			
	C2	US	5,827,895	10/27/1998	Nutter, et al.			
	C3	US	6,020,019	05/21/2002	Ting et al.			
	C4	US	6,129,907	02/01/2000	Sreenivasan, et al.			
	C5	US	6,383,527	05/07/2002	Artman, et al.			
	C6	US	6,391,346	05/21/2002	Newmark, et al.			
	C7	US	6,583,322	06/24/2003	Shalal, et al.			
	C8	US	2002/0086070	07/04/2002	Kuhrts			
	C9	US	2002/0086062	07/04/2002	Kuhrts			
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<small>OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)</small>			
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	D1	BERMEJO, <i>et al.</i> Rev. Esp. Enferm. Dig. <u>95</u> : 621-624 and 625-628 (2003)	
	D2	BROWN, <i>et al.</i> J. Chem. Soc. 545 (1959)	
	D3	BYRNE, <i>et al.</i> J. Chem. Soc. (C):2810 (1971)	
	D4	CARROCCIO, <i>et al.</i> Clin. Chem. <u>49</u> :861-867 (2003)	
	D5	CARSON, J. Am. Chem. Soc. <u>73</u> :1850-1851 (1951)	
	D6	CHARLIER, <i>et al.</i> Eur. J. Med. Chem. 38:645-659 (2003)	
	D7	CHOU, <i>et al.</i> Adv Enzyme Regul <u>22</u> :27-55 (1984)	
	D8	CHOU, <i>et al.</i> Eur. J. Biochem. <u>115</u> :207-216 (1981)	
	D9	CHOU, <i>et al.</i> J. Biol. Chem. <u>252</u> :6438-6442 (1977)	
	D10	CHOU, <i>et al.</i> J. Theor. Biol. <u>35</u> :285-297 (1972)	
	D11	CHOU, J. Theor. Biol. <u>59</u> :253-276 (1976)	
	D12	CHOU, <i>et al.</i> Trends Pharmacol. Sci. 4:450-454 (1983)	
	D13	COSTA, <i>et al.</i> Digest. Liver Dis. <u>35</u> :642-647 (2003)	
	D14	DING, <i>et al.</i> Biochem. Biophys. Res. Comm. <u>261</u> :218-223 (1999)	
	D15	GOLDSTEIN, <i>et al.</i> Am. J. Gastroenterol. <u>96</u> :1019-1027 (2001)	
	D16	HALTER, <i>et al.</i> Gut <u>49</u> :443-453 (2001)	
	D17	HAMMBERG, <i>et al.</i> J. Bio. Chem. <u>246</u> :6713-6721 (1971)	
	D18	KANEMATSU, <i>et al.</i> J Bone Miner Res <u>12</u> (11):1789-1796 (1997)	
	D19	LOPES, Curr. Med Res Opin. <u>8</u> :145-149 (1982)	
	D20	MELING, <i>et al.</i> Scand. J. Gastroenterol. <u>31</u> :339-344 (1996)	
	D21	NOREEN, <i>et al.</i> J. Nat. Prod <u>61</u> :2-7 (1998)	
	D22	Thomas M. Newmark and Paul Schulick, "BEYOND ASPIRIN Nature's Answer to Arthritis, Cancer & Alzheimer's Disease," HOHM PRESS (2000)	
	D23	PAIRET, <i>et al.</i> Inflamm. Res <u>47</u> , Supplement 2S93-S101 (1998)	
	D24	Panglisch, Monatsschrift fuer Brauwissen Schaft, 1990, 43(1), 4-16	
	D25	RINGBOM, <i>et al.</i> J. Nat Prod <u>61</u> :1212-1215 (1998)	
	D26	PIPPA <i>et al.</i> Scand. J. Gastroenterol. Suppl. <u>167</u> :32-35 (1989)	
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	E1	POULLIS, <i>et al.</i> J. Gastroenterol. Hepatol. <u>18</u> :756-762 (2003)	
	E2	RØSETH, Digest. Liver Dis. <u>35</u> :607-609 (2003)	
	E3	SHAH, <i>et al.</i> Gut <u>48</u> :339-346 (2001)	
	E4	SCHJERVEN, <i>et al.</i> Br. J. Dermatol. <u>149</u> :484-491 (2003)	
	E5	SHUREIQI, <i>et al.</i> Cancer Res. <u>61</u> :6307-6312 (2001)	
	E6	SIVRI, Fundam. Clinic. Pharmacol. <u>18</u> :23-31 (2004)	
	E7	SUBBARAMAIAH, <i>et al.</i> Cancer Res. <u>60</u> :2399-2404 (2000)	
	E8	SUH, <i>et al.</i> Cancer Res <u>58</u> :717-723 (1988)	
	E9	TAGASHIRA, <i>et al.</i> , Biosci. Biotech. Biochem. <u>59</u> (4):740-742 (1996)	
	E10	TIBBLE, <i>et al.</i> Drugs Today <u>37</u> :85-96 (2001)	
	E11	TIBBLE, <i>et al.</i> Gut <u>45</u> :362-366 (1999)	
	E12	TOBE, <i>et al.</i> Biosci. Biotech. Biochem <u>61</u> (1):158-159 (1997)	
	E13	YUI, <i>et al.</i> Biol. Pharm. Bull. <u>26</u> :753-760 (2003)	
	E14	WANG, <i>et al.</i> Free Radical Biology & Medicine <u>27</u> :612-616 (1999)	
	E15	WARNER, <i>et al.</i> Proc Natl Acad Sci USA <u>96</u> :7563-7568 (1999)	
	E16	YAMAMOTO, FEBS Letters <u>465</u> :103-106 (2000)	
	E17	"Information on Zyflamend and Zyflamend PM", downloaded from and Internet 8/30/02.	
	E18	"Information on ArthroTrim <sup>TM</sup> product", downloaded from Internet 8/30/02.	
	E19	"Information on a book titled "Beyond Aspirin", by Thomas Newmark, et al., Release 7/00; pp. 147-151, 248.	
	E20	Germany, "The Absolutely German Drink," contents of beer, 2004, 5 pages.	
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